

### **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. 25 34 430. Claims 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. 25 34 430 in view of Padera et al. (U.S. Patent No. 5,066,393).

Claim 1 has been amended to include the limitation of claim 3, which has been canceled. Therefore, claim 1 now calls for the width of each slot to be less than 0.5mm.

In Padera et al., the slots in the tubular members are not directed longitudinally along the tubular members, but circumferentially around the members. Conversely, German Patent No. 25 34 430 teaches a plurality of longitudinal slots. One skilled in the fluid purification arts, when confronted with the problem of filter media migration into backwash system tubular members having longitudinal slots, would not be motivated to combine the teachings of Padera et al. with German Patent No. 25 34 430. This is due to the fundamentally different slot design disclosed in each reference. The office action, at pages 2 and 3, addresses these differences. However, the office action then asserts that a skilled artisan would have merely blended the two diverse teachings together with a level of balance between the two diverse teachings to prevent material migration. It would not have been obvious to the person of ordinary skill in the art to merely blend the teachings to arrive at something that is different from, and no longer contains, either of the two initial structures. Absent access to the subject application, it would not have been obvious to one skilled in the art to combine the cited references to arrive at the claimed invention. As such, it is the present application that is the true teaching. Moreover, when the claimed invention is considered as a whole, and not merely compared limitation-by-limitation to the prior art, it is clear that the claimed invention is nonobvious and patentable.

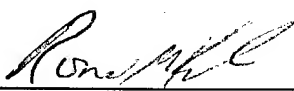
Since claim 1 is in condition for allowance, it is submitted that dependent claims 4, 5, 10, 11, 14, 16 and 17 are also allowable.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33415.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
\_\_\_\_\_  
Ronald M. Kachmarik, Reg. No. 34512

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: May 17, 2004